
**3. ORAL SWORN STATEMENT
OF TIMOTHY BERNARD EDWARDS**

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TAKEN BY:

MR. TODD DERRICK, Attorney at Law
Cobb, Shealy, Crum & Derrick, P.A.
206 North Lena Street
Post Office Box 6346
Dothan, Alabama 36302-6346.

COURT REPORTER:

MS. TINA HARRISON

ORIGINAL

1 TIMOTHY BERNARD EDWARDS,
2 being first duly sworn to tell the truth
3 testified as follows:
4

5 EXAMINATION

6 BY MR. DERRICK:

7 Q. She's going to be typing down what we
8 say. You may have done something like that
9 before, but remember, you've got to speak out
10 loud so she can type it. Could you tell me your
11 name?

12 A. Timothy Bernard Edwards.

13 Q. Okay. And is it Edwards with an "s"
14 on the end?

15 A. Uh-huh.

16 Q. And you're a plaintiff in a civil
17 lawsuit in federal court. You've sued a police
18 officer and sued the County; right?

19 A. Yes, sir.

20 Q. And you understand that I only
21 represent Officer Holmes -- Brett Holmes? You
22 understand that; right?

23 A. Yes, sir.

1 Q. Okay. I just want to ask you few a
2 questions about the day you got arrested.

3 A. Okay.

4 Q. You were arrested March 22nd, 2006; is
5 that right?

6 A. Yes, sir.

7 Q. And as I understand it, you don't
8 claim that that was your house. You were just
9 visiting there; right?

10 A. Yes, sir.

11 Q. And when you saw the police arrive,
12 you decided to try to run; right?

13 A. Yes, sir.

14 Q. And you ran toward the back of the
15 house?

16 A. Yes, sir.

17 Q. But you couldn't figure out how to get
18 out of the house?

19 A. Yes, sir.

20 Q. And so what you decided to do then was
21 hide under the bed?

22 A. Yes, sir.

23 Q. In a room in the back of the house?

1 A. Yes, sir.

2 Q. You were face down under the bed?

3 A. Under the bed.

4 Q. And you weren't particularly familiar
5 with what was in that room?

6 A. No, sir.

7 Q. Is that correct?

8 A. Yes, sir.

9 Q. Okay. Now, at some point, apparently,
10 some people outside told the officers that you
11 were in there?

12 A. Yes, sir.

13 Q. Because you had seen them in the room
14 before. They didn't know you were under the bed;
15 right?

16 A. Yes, sir.

17 Q. And then they came back and they got
18 you?

19 A. Yes, sir.

20 Q. Now, I think the phrase you said is
21 you knew the drill. So you already had one arm
22 behind your back, and your face was on the floor?

23 A. Uh-huh.

1 Q. And you remember your arm being
2 grabbed by one of the officers?

3 A. Uh-huh.

4 Q. Right?

5 A. Yes, sir.

6 Q. You don't know who that officer was
7 that grabbed your arm; correct?

8 A. No, sir.

9 Q. Is that correct?

10 A. Yes, sir.

11 Q. You remember being hit in the back and
12 then going back down on the floor again?

13 A. Yes, sir. They grabbed my arm and
14 twisted it and went to raise me up. When they
15 were raising me up, somebody stepped in my back
16 and pushed me back down to the floor.

17 Q. And you're not claiming that Brett
18 Holmes did that --

19 A. No, sir.

20 Q. -- right? Is that right?

21 A. Yes, sir.

22 Q. And then you remember being struck in
23 the face -- on the side of the face. You think

1 it was with someone's foot or boot; right?

2 A. Yes, sir. I seen their foot.

3 Q. You saw the foot? And, again, you're
4 not saying that that was Brett Holmes that did
5 that; correct?

6 A. Yes, sir.

7 Q. Okay. And then you recall being drug
8 away from where you were under the bed; right?

9 A. Yes, sir. A little further than
10 that. I came out from -- they drug me from under
11 the bed -- when they drug me out from under the
12 bed -- at that time -- that's when they put the
13 other handcuff on me, and they got ready to pick
14 me up. And then one of the officers, like I
15 said, said, No. Don't pick him up. Drag him.
16 So they drug me to outside of that room.

17 Q. Okay. And that's what -- just so I'm
18 clear, then they drug you out of the room you
19 were in?

20 A. Uh-huh.

21 Q. And I'm going to ask you a few more
22 questions about that day, but that covers the use
23 of force that any of these officers used against

1 you in making that arrest. Am I right?

2 A. Yes, sir.

3 Q. Now, a few more things, just for the
4 record. And I'm not asking you to admit that it
5 was your drugs, but you don't deny that there
6 were drugs in the house?

7 A. Like I said, I don't know what to say
8 about it, for the simple fact that I don't know
9 no more than what they told me. When I got there
10 --

11 Q. And that's what I'm saying. You don't
12 deny that. If someone else said there were drugs
13 in the house, you wouldn't argue with them;
14 right? Is that correct?

15 A. Yes.

16 Q. Okay. And there were guns in the
17 house? And I'm not saying that they were your
18 guns, but you don't deny that there were guns in
19 the house?

20 A. I said from what the police -- I
21 couldn't figure out no reason -- no other reason
22 why, other than they told me they found this and
23 they found that. And I just --

1 Q. Right. And so you wouldn't argue with
2 anyone who said there were guns in the house;
3 right? Is that correct?

4 A. I couldn't argue -- like I said, they
5 supposedly have pictures of this and all this.
6 Like I said, they brought it to the preliminary
7 and showed me.

8 Q. Sure. And we were talking about the
9 fact that there were three guns -- you and I --
10 before we went on the record. You remembered two
11 of them -- the type of guns -- and what were
12 they?

13 A. They mentioned it, and that's how I
14 found out what they was. Like I said, the guy
15 said it was a 9-millimeter -- well, I read it in
16 my paperwork -- a 9-millimeter and a .357.

17 Q. And a .22?

18 A. And a .22. So that's what made me
19 go -- when they called me across the street and
20 asked me about it, that's what made me come back
21 and ask this guy that said something about the
22 guns. That's what made me -- because they told
23 me if I don't find out whose it was, that I would

1 be charged. So I came back and I asked him. And
2 I went right back across there and told them, and
3 that's why they -- that's why they took it from
4 there.

5 Q. And the .22 -- you think it was the
6 .22 that somebody remembers seeing in the same
7 room with you? Am I right?

8 A. No. How I know about the .22 was in
9 the room -- they told me through my paperwork --
10 they said something about there was a .22 -- or
11 either when we were at the preliminary or
12 something. Mr. Holmes was on the stand, and they
13 asked about the weapons. And he said that there
14 was a weapon in the room that I was in. And
15 that's how I found out there was one in there.

16 Q. Okay. And that's my point. And,
17 again, I'm not asking you to admit that it was
18 your gun. I'm just pointing out that you don't
19 dispute if someone else said they saw a gun in
20 this room -- because you really weren't familiar
21 with that room --

22 A. Yes, sir.

23 Q. Right?

1 A. Yes, sir.

2 Q. And so you're not arguing with anyone
3 who says there was a gun in the room; is that
4 correct?

5 A. Like I said, I can't because, like I
6 said, I don't really -- I didn't know what -- I
7 didn't look around. I was trying to find an
8 exit.

9 Q. Right. You weren't looking around the
10 room. You were just trying to hide when you were
11 under the bed; right?

12 A. Yes, sir.

13 Q. And so if somebody else said they saw
14 a gun in the room, you wouldn't be able to argue
15 with them; is that right?

16 A. I couldn't argue -- like I said, I
17 couldn't argue because I didn't -- I didn't -- I
18 haven't been in there like that so --

19 Q. Sure.

20 A. -- I have no idea.

21 Q. All right. Now, when you -- I showed
22 you a form before we started, and I want to just
23 show it to you one more time. And this is

1 already a part of the Court's record that the
2 other defendants put in. Remember, we looked at
3 the medical screening form. It's dated --

4 A. I read two of them. One of them was
5 from when I first came back in --

6 Q. This is the one from the day you were
7 arrested, that we're talking about; right --

8 March 22nd --

9 A. Uh-huh.

10 Q. -- 2006? That's the day you were
11 arrested --

12 A. Uh-huh.

13 Q. -- right? And that's the medical
14 screening form that we were talking about; right?

15 (Indicating)

16 A. Uh-huh.

17 Q. And that's your signature there at the
18 bottom? (Indicating)

19 A. Uh-huh.

20 Q. Okay. And it says on this form that
21 you were conscious; right?

22 A. Uh-huh.

23 Q. And it asks, Did you have any

1 difficulty breathing, and no is circled; right?

2 A. Uh-huh.

3 Q. Did arrest result in injury? And no
4 is circled; right?

5 A. What is it?

6 Q. Right there it says, Did arrest result
7 in injury, and the "n" is circled; correct?

8 A. See, they filled all this out. They
9 gave me this. It was this sheet. (Indicating)

10 Q. That's not my question. And I want to
11 just go through this and make sure -- I'm talking
12 about the medical screening form, okay? And
13 we've gone through it. I just want to go over
14 the list of things here, and you tell me if I'm
15 reading it right. Where it says, Inmate was
16 conscious, yes is circled; correct?

17 A. Uh-huh.

18 Q. Where it says, Any difficulty
19 breathing, no is circled; correct?

20 A. Uh-huh.

21 Q. Where it says, Did arrest result in
22 injury, no is circled; correct?

23 A. Uh-huh.

1 Q. When it says, Is inmate under obvious
2 influence of alcohol, no is circled?

3 A. Uh-huh.

4 Q. Does inmate suggest the risk of
5 suicide? No is circled?

6 A. Uh-huh.

7 Q. And you need to say yes.

8 A. Yes.

9 Q. When we go back and read "uh-huh," it
10 doesn't read that well.

11 A. Yes.

12 Q. Where it says, Inmate capable of
13 responding, the answer is yes?

14 A. Yes, sir.

15 Q. Is inmate hostile or aggressive? The
16 answer is no?

17 A. Yes, sir.

18 Q. It asks about any fever, swollen lymph
19 nodes, or jaundice. The answer is no; correct?

20 A. Yes, sir.

21 Q. Is inmate under obvious influence of
22 drugs? The answer is no?

23 A. Yes, sir.

1 Q. Did you consider inmate an escape
2 risk? The answer is no; correct?

3 A. Yes, sir.

4 Q. It says, Can inmate walk on own. The
5 answer is yes?

6 A. Yes, sir.

7 Q. Any visible signs of trauma, bleeding,
8 wounds, or illness? The answer is no; correct?

9 A. Yes, sir.

10 Q. Is skin in good condition and free of
11 vermin? The answer is yes?

12 A. Yes, sir.

13 Q. Your skin was clean. Any visible
14 signs of alcohol or drug withdrawal? The answer
15 is no; correct?

16 A. Yes.

17 Q. And then here, under observation, it
18 says, Subject seems to be fine at time of
19 intake. I read that correctly, didn't I?

20 A. Yes, sir.

21 Q. And, again, that is your signature?
22 (Indicating)

23 A. Yes, sir.

1 Q. The other document we talked about
2 before is what you've called a motion to amend.
3 That was filed back in May. And just so I'm
4 clear, your allegation is not that Officer Holmes
5 hit you in the face or kicked you in the face or
6 hit you in the back. Your only allegation about
7 Officer Holmes is that he drug you across the
8 floor. Am I right?

9 A. My only allegations against him,
10 period, is that I found him out to be one of the
11 officers -- you know what I'm saying -- when all
12 of this went down.

13 Q. I understand. And I don't think
14 anybody is denying it. Your allegation against
15 Officer Holmes is that he was one of the guys
16 that drug you, because you heard him say that on
17 the stand in some hearing. Am I right?

18 A. Yes, sir.

19 Q. You're not claiming that he did these
20 other things that we talked about?

21 A. No, sir.

22 Q. Am I correct?

23 A. Yes, sir.

1 Q. All right. I think we're about
2 through. I just want to look over my notes real
3 quick. I think I asked this already. Again, I'm
4 not asking you to say it was your drugs, but
5 you're not denying that -- if anybody says they
6 found drugs in the house, you're not going to
7 argue about that?

8 A. Like I said, I couldn't say.

9 Q. Same thing with the guns.

10 A. Like I said, I couldn't say no more
11 than what they told me -- in the police report or
12 whatever it was.

13 Q. You understood all of my questions?

14 A. Yes, sir.

15 Q. Okay. Do you want to say anything
16 else before we end?

17 A. No, sir.

18 Q. I just wanted to give you a chance to
19 make any other statement, if you feel like you
20 need to.

21 A. No, sir.

22 Q. All right. I appreciate it.

23

1 REPORTER CERTIFICATE

2
3 STATE OF ALABAMA)

4 COUNTY OF COFFEE)

5
6 I hereby certify that the above and
7 foregoing sworn statement was taken down by me in
8 stenotype, and the questions and answers thereto
9 were transcribed by means of computer-aided
10 transcription, and that the foregoing represents
11 a true and correct transcript of the testimony
12 given by said witness upon said hearing.

13 I further certify that I am neither of
14 counsel nor of kin to the parties to the action,
15 nor am I in any way interested in the result of
16 said cause.

17 Certified this the 14th day of July,
18 2006.

19
20 Tina L. Harrison

21 TINA L. HARRISON

22 Court Reporter

23 (334) 793-3673